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AUSA David Portelli 313-226-9711

# United States District Court

Eastern District of Michigan

United States of America

v.

Randy STEWART

## CRIMINAL COMPLAINT

Case:2:08-mj-30433

Judge: Unassigned,

Filed: 10-01-2008 At 09:43 AM

USA V. RANDY STEWART (ml)

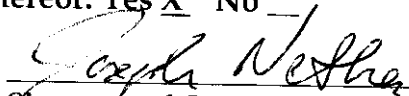
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 4 through February 15, 2008 in Wayne County, in the Eastern District of Michigan, defendant(s) did, (Track Statutory Language of Offense)

Having been a previously convicted felon did possess a firearm, namely a Mossberg, model 500A, 12 gauge shotgun, serial number L159319 and did knowingly and intentionally possess with the intent to distribute a controlled substance, namely marijuana, powder cocaine and crack cocaine

in violation of Title 18 United States Code, Section 922(g)(1); and in violation of Title 21 United States Code, Section 841(a)(1).

I further state that I am a Special Agent for the Bureau of ATF, and that this complaint is based on the following facts on the attached affidavit.

Continued on the attached sheet and made a part hereof: Yes X No   

  
Signature of Complainant  
Joseph C. Nether  
Special Agent, ATF

Sworn to before me and subscribed in my presence,

October 1, 2008  
Date  
**Donald A. Scheer**  
**U.S. Magistrate Judge**

Name & Title of Judicial Officer

Detroit, Michigan  
At

City and State

  
DONALD A. SCHEER

Signature of Judicial Officer

AFFIDAVIT

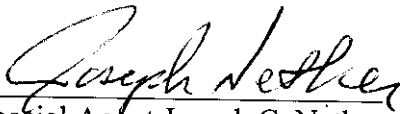
I, Special Agent Joseph Nether, being sworn, depose and state the following;

1. I make this affidavit from personal knowledge based on my participation in this investigation, including witness interviews and reports by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.
2. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives since August of 2001. I have been involved in numerous investigations into the unlawful use and possession of firearms, the importation as well as the possession with intent to distribute controlled substances; drug related laundering of monetary instruments, and conspiracies associated with criminal firearms, narcotics and money laundering offenses. To successfully conduct these investigations, I have utilized a variety of investigative techniques and resources, including working undercover, as well as physical and electronic surveillance involving various types of informants and cooperating sources. Through these investigations, my training and experience, and conversations with other agents and law enforcement personnel, I have become familiar with the methods used by traffickers to smuggle and safeguard narcotics, to distribute narcotics, and to collect and launder drug related proceeds. I am also familiar with methods employed by large narcotic organizations, and the sophisticated tactics they use to attempt to thwart an investigation of their narcotics organization. These investigations have resulted in the arrest and conviction of numerous criminal defendants on both federal firearms and narcotics violations.

3. I am currently conducting an investigation involving a subject identified as Randy STEWART, date of birth XX/XX/1971 for violations of federal firearm and narcotics laws.
4. On January 29, 2008, S/A Nether met with ATF Confidential Informant 774025-083, herein referred to CI. The CI has been utilized by law enforcement for several months and has proven reliable, truthful and accurate thus far. The CI's prior information has led to the arrest and conviction of 2 individuals on attempt murder and narcotics charges, and two (2) active armed narcotics conspiracy cases in the northwest district of Detroit involving multiple defendants.
5. The CI advised that an individual later identified as Randy STEWART sold narcotics while armed from 12865 Omaha Street. The CI further stated that STEWART is the only individual that resides at 12865 Omaha Street. The CI has agreed to testify against Randy STEWART in furtherance of this investigation.
6. On the same date as above, S/A Nether queried all registered driver's to 12865 Omaha Street at which time S/A Nether observed the name Randy STEWART utilizing 12865 Omaha Street as his residence.
7. On the same date as above, S/A Nether queried the Computerized Criminal History (CCH) for Randy STEWART, date of birth XX/XX/1971. The query revealed the following history;
  - A 01/10/1994 felony conviction for CNT-1 Assault/Bodily Harm Less Than Murder and CNT-2 Felony Firearm to which STEWART was sentenced 2 to 10 years.
  - A 03/09/1999 felony conviction for CNT-1 Controlled Substance-Possession (Narc/Cocaine) less than 25 grams to which STEWART was sentenced 3 months to 4 years.

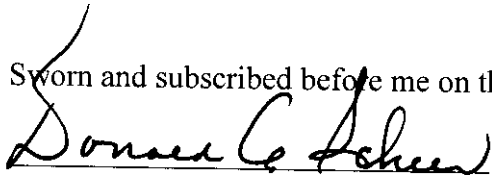
8. On February 4, 2008, your affiant met with the CI at a pre-determined meet location. The CI was searched for contraband with none being located. The CI was handed pre-recorded funds for the purposes of purchasing a quantity of marijuana from Randy STEWART. The CI equipped with an audio recording device and transmitter arrived at 12856 Omaha Street. While under continual surveillance the CI entered the front door of the premises. After a few minutes the CI was observed to exit the front door of 12865 Omaha Street and walk directly back to S/A Nether. The CI handed S/A Nether a quantity of marijuana and advised that it he/she paid \$25.00 to Randy STEWART for the narcotics. The transaction was corroborated by the recording which was placed into evidence. The CI was again searched for contraband with none being located.
9. On February 15, 2008, ATF Agents executed a sealed federal search warrant at 12865 Omaha Street. No occupants were located inside. During a search on top of the living room couch in plain view by TFA Ladd a Mossberg, model 500A, 12 gauge shotgun, serial number L159319 was recovered. During a search of the kitchen counter by TFA Mcguigan a AWS digital scale, black in color and a Ziploc bag containing approximately 39 grams of marijuana with packaging was recovered. During a search of the kitchen cupboard by TFA Zuniga a small plastic bag containing approximately 0.2 grams of crack cocaine with packaging was recovered. During a search of the kitchen post-it board by TFA Zuniga documents bearing the name Randy Delane STEWART with an address listing of 12865 Omaha St, Detroit, MI were recovered. During a search of a vent in the southeast bedroom by S/A Jury a white plastic grocery bag containing two large Ziplock bags containing 523 grams of marijuana with packaging, one knotted sandwich bag containing approximately 14.8 grams of crack cocaine with packaging and one knotted sandwich bag containing approximately 12.3 grams of powder cocaine were recovered.
10. All the above listed narcotics were sent to the Michigan State Police Laboratory and did test positive the above mentioned controlled substances.

11. On March 13, 2008, ATF Special Agent Brunson who in training in the interstate nexus of firearms advised that the Mossberg, model 500A, 12 gauge shotgun, serial number L159319 was manufactured outside the state of Michigan after 1898, therefore traveling in and affecting interstate or foreign commerce.
12. Based on the above, stated facts, I have probable cause to believe that Randy STEWART, having been a previously convicted felon did possess a firearm in violation of Title 18, United States Code, Section 922(g)(1) and did knowingly and intentionally possess with the intent to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

  
Special Agent Joseph C. Nether

Bureau of Alcohol, Tobacco and Firearms and Explosives

Sworn and subscribed before me on this 1<sup>st</sup> day of October 2008.



UNITED STATES MAGISTRATE JUDGE  
HONORABLE DONALD A. SCHEER